

REMARKS

I. Status of the Application

Claims 1-19 are pending in the application. Claim 19 stands rejected under 35 U.S.C. § 112, first paragraph. Claims 1-15 stand rejected under 35 U.S.C. § 102(e) as anticipated by Anderson, U.S. Patent No. 6,600,951. Claims 16-19 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Anderson in view of Albacarys et al., U.S. patent No. 6,338,855.

Applicants have amended the claims under consideration to more clearly define and distinctly characterize Applicants' novel invention. Specifically, Applicants have amended claim 16 to remove language lacking antecedent basis as well as to correct a typographical error. Claim 19 was amended to correct dependency. The amendments contain no new matter. Applicants respectfully request entry and consideration of the foregoing amendments, which are intended to place the case in condition for allowance.

II. Formal Matters

The Examiner has objected to claim 16 for reciting "said step" without having proper antecedent basis. In response, Applicants have amended claim 16 to remove the language "said step" as suggested by the Examiner. Accordingly, Applicants respectfully request that the objection to claim 16 be withdrawn.

Applicants gratefully acknowledge the grant of Applicants' petition under 37 C.F.R. § 1.47(a) (Paper No. 10).

III. Claim 19 Is Definite

At page 2, paragraph 5 of the instant Office Action, claim 19 stands rejected under 35 U.S.C. § 112, first paragraph, as being indefinite for reciting “said glycolic acid” without sufficient antecedent basis. In response, Applicants have amended claim 19 to depend from claim 16, which provides antecedent basis for glycolic acid. Accordingly, Applicants respectfully request that this rejection be reconsidered and withdrawn.

IV. The Rejection of Claims 1-20 Under 35 U.S.C. §§ 102(e) and 103(a)

At page 3, section 7 of the present Office Action, claims 1-15 stand rejected under 35 U.S.C. § 102(e) as anticipated by Anderson, U.S. Patent No. 6,600,951. The Examiner asserts that Anderson discloses methods for treating skin conditions associated with the production of sebum, comprising the steps of introducing an exogenous chromophore to sebaceous glands and irradiating the target sebaceous glands with laser light having a sufficient energy and fluence to disrupt the functions of the sebaceous glands as presently claimed.

Claims 1 and 15 and claims depending therefrom are directed to a method of treating unwanted skin conditions associated with the production of sebum comprising introducing an exogenous chromophore to sebaceous glands or topically administering an exogenous chromophore onto the target skin area in a manner such that the exogenous chromophore is absorbed into target sebaceous glands, wherein the chromophore absorbs laser light having a wavelength between about 700 nm to about 1200 nm, and irradiating the target sebaceous glands with laser light having a wavelength between about 700 nm to about 1200 nm for a time sufficient to *inhibit sebum production*.

Claims 7 and 11 and claims depending therefrom are directed to a method of reducing sebum secretion or reducing the severity of acne comprising the steps of selectively introducing a chromophore to sebaceous glands, and irradiating said sebaceous glands with laser light of a *wavelength that is essentially transmitted by the outer layers of human skin* and is strongly absorbed by said chromophore, said irradiating being performed at a light fluence and for a time sufficient to disrupt sebaceous gland function such that sebum secretion is reduced or such that the severity of said acne is reduced.

The Anderson reference neither teaches nor suggests Applicants' claimed method steps of irradiating target sebaceous glands with laser light for a time sufficient to *inhibit sebum production*, as required by claims 1 and 15 and claims depending therefrom. The portions of Anderson cited by the Examiner merely disclose treating sebaceous gland disorders to eliminate, inhibit or prevent occurrence or reoccurrence of the *skin disorder*. Although Anderson teaches *diminishing* sebum production (column 2, lines 44-45), Anderson does not teach *inhibiting* sebum production, as claimed by Applicants. Nor does the Anderson reference teach or suggest use of a laser light of a *wavelength that is essentially transmitted by the outer layers of human skin*, as required by claims 7 and 11 and claims depending therefrom. Thus, the Anderson reference fails to anticipate Applicants' claimed invention.

At page 8, section 9 of the present Office Action, claims 16-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson in view of Albacarys et al., U.S. Patent No. 6,338,855. The Examiner admits that the Anderson reference does not teach the use of glycolic acid solution mixed with a neutralizing agent such as water, bicarbonate or glycone. The Examiner asserts, however, that Albacarys et al. teaches a solution and method for cleaning skin tissue including acne, the skin cleansing solution including a water soluble glycolic acid solution.

The Examiner indicates that it would be obvious to one of skill in the art to use water and/or water soluble glycolic acid solution in order to clean the target site because this would enhance treatment by first cleaning the target site from unwanted material, and removing photosensitive chromophores from the skin area to reduce/eliminate damage to the untargeted surrounding tissues. Applicants respectfully traverse these rejections.

Applicants respectfully submit that the secondary reference, Albacarys et al., fails to cure the deficiencies of the primary reference. Albacarys et al. is directed to cleansing articles for skin and/or hair, and fails to teach or Applicants' claimed method steps of irradiating target sebaceous glands with laser light for a time sufficient to *inhibit sebum production*, or the use of a laser light of a wavelength *that is essentially transmitted by the outer layers of human skin*, as claimed by Applicants. Thus, the combination of references fails to render obvious Applicants' claimed invention.

Accordingly, Applicants respectfully request that the rejections of claims 1-15 under 35 U.S.C. § 102(e) over Anderson and the rejections of claims 16-19 under 35 U.S.C. § 103(a) over Anderson in view of Albacarys et al. be reconsidered and withdrawn.

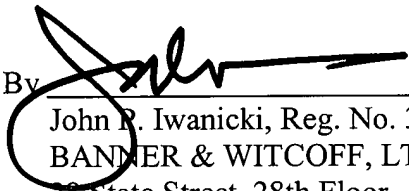
V. CONCLUSION

Reconsideration and allowance of all the pending claims is respectfully requested. If a telephone conversation with Applicant's attorney would expedite prosecution of the above-identified application, the Examiner is urged to call the undersigned at (617) 720-9600.

Respectfully submitted,

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By


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